

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

| | | |
|--------------------------|---|----------------------|
| UNITED STATES OF AMERICA |) | |
| |) | |
| v. |) | CIV. NO. 2:05cv477-D |
| |) | WO |
| JOHN HENRY TOWNSEND |) | |

ORDER

Upon CONSIDERATION of the Recommendation of the Magistrate Judge, filed June 16, 2005, and John Henry Townsend's Objections thereto, filed June 27, 2005, and upon an independent review of the file in this case, it is ORDERED as follows:

(1) Said Recommendation be and the same is hereby ADOPTED, APPROVED and AFFIRMED;

(2) Townsend's Objections be and the same are hereby OVERRULED;

(3) the motion filed by Townsend on May 19, 2005, be and the same is hereby DENIED; and

(4) this case be and the same is hereby DISMISSED as Townsend has failed to obtain the requisite order from the Eleventh Circuit Court of Appeals authorizing the court to consider a successive 28 U.S.C. § 2255 motion.

Done this 29th day of June, 2005.

/s/ Ira DeMent

SENIOR UNITED STATES DISTRICT JUDGE